

United States District Court

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

May 04, 2017

SEAN F. McAVOY, CLERK

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Delbert W. Lee

Case Number: 0980 2:17CR00061-SAB-1

Address of Offender: [REDACTED] Spokane, Washington 99212

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Stanley A Bastian, U.S. District Judge

Date of Original Sentence: March 8, 2017

Type of Supervision: Supervised Release

Original Offense: Theft of Mail Matter, 18 U.S.C. § 1708

Original Sentence: Prison - 57 days
TSR - 36 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: U.S. Attorney's Office

Date Supervision Commenced: March 8, 2017

Defense Attorney: Federal Defender's Office

Date Supervision Expires: March 7, 2020

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Mandatory Condition #3:</u> You shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.
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Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement, and his conditions of supervision were explained to him. He signed the judgment and stated that he understood his conditions.

Mr. Lee had difficulty on pretrial supervision with continued opiate use. He was informed on March 30, 2017, that his judgement had a condition that allowed for random urinalysis testing through probation's drug and alcohol vendor. He was directed to call Alcohol Drug Education Prevention and Treatment (ADEPT) daily and to listen for the color "Brown 2."

On April 12, 2017, Mr. Lee's color "Brown 2" was called and he failed to appear for his random urinalysis. The undersigned officer was notified on April 14, 2017, and immediately contacted Mr. Lee and directed him to report to the United States Probation Office to supply a urine sample for testing.

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Mr. Lee reported as directed on April 14, 2017, and supplied a urine sample that tested presumptive positive for opiates. He self-disclosed he had used an opiate-based drug on April 12, 2017. He also signed a drug use admission form.

2

Mandatory Condition #3: You shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement, and his conditions of supervision were explained to him. He signed the judgment and stated that he understood his conditions.

Mr. Lee was directed to report to the United States Probation Office on April 21, 2017, in order to discuss his progress of getting into chemical dependence treatment. As a part of his conditions, Mr. Lee was directed to submit to a random urinalysis at the probation office.

The urine sample provided tested presumptive positive for opiates. On April 21, 2017, the sample was sent to Alere Toxicology Services for further testing. On May 1, 2017, the test results from Alere reflected that Mr. Lee was positive for Morphine. Mr. Lee denies using since April 12, 2017.

3

Mandatory Condition #3: You shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: On March 30, 2017, Mr. Lee was given a copy of his judgement, and his conditions of supervision were explained to him. He signed the judgment and stated that he understood his conditions.

Mr. Lee had difficulty on pretrial supervision with continued opiate use. Mr. Lee was informed on March 30, 2017, that his judgement had a condition that allowed for random urinalysis testing through probation's drug and alcohol vendor. He was directed to call Alcohol Drug Education Prevention and Treatment (ADEPT) daily and to listen for the color "Brown 2."

On April 26, 2017, the color "Brown 2" was called and Mr. Lee reported to ADEPT as directed. He supplied a urine sample that tested presumptive positive for opiates. Mr. Lee self-disclosed he took morphine pills on April 25, 2017. The sample was sent to Alere labs and confirmed positive for Codeine and Morphine on April 30, 2017. Mr. Lee signed a drug use admission form on April 26, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/03/2017

s/Joshua D. Schull

Joshua D Schull

U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

5/4/2017

Date